

**REMARKS/ARGUMENTS**

Claims 34-55 and 66-74 are pending. Claims 37, 38, 47, 50, 54, 55, and 66-69 are withdrawn pursuant to the restriction requirement. Claims 34, 36, and 39 have been amended. Claims 70-74 have been added. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Claim 34 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Young et al. (4,870,357).

Applicants respectfully submit that claim 34 as amended is novel and patentable over Young et al. because, for instance, Young et al. does not teach or suggest changing the first standard to a second standard on the display of a relation between defect density and threshold in which the first standard is indicated, and changing the graphical display in response to the change to the second standard.

Young et al. discloses a thresholding process in which a threshold level is selected at step 132 based on the histogram analysis 131. There is no disclosure or suggestion of changing the standard on the display or changing the graphical display of a relation between defect density and threshold in which the first standard is indicated in response to the change to the second standard. The present specification at page 17, line 17, to page 18, line 18 discusses the change of threshold setting or standard (using horizontal bars 1440, 1442) on the display and changing the graphical display in response to the change. The user can easily view trial inspection results after threshold setting or standard change without conducting the trial inspection again as in the conventional system, and therefore can greatly save time as compared with conducting the inspection again; the threshold setting process may be used during actual inspection to make adjustments, and hence the method is more flexible (page 18, lines 19-22).

For at least the foregoing reasons, claim 34 is novel and patentable over Young et al.

Claims 34, 35, 39-46, 48, 49, and 51-53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schemmel et al. (6,504,948).

Applicants respectfully submit that independent claim 34 as amended is novel and patentable over Schemmel et al. because, for instance, Schemmel et al. does not teach or suggest changing the first standard to a second standard on the display of a relation between defect density and threshold in which the first standard is indicated, and changing the graphical display in response to the change to the second standard.

Schemmel et al. discloses a first phase (calibration phase 92), a second phase (test phase 94), a third phase (analysis phase 96), and a fourth phase (display phase 98). In the fourth phase, the results may be displayed in a variety of ways (col. 12, lines 1-5). The Examiner alleges "it is clear that during the four phases of inspection, the results of defect detection are displayed to the operator each time." This statement does not appear to find support in Schemmel et al. Moreover, nothing in Schemmel et al. discloses or suggests graphically displaying a relation between defect density and threshold in which the first standard is indicated, or changing the standard on the display and changing the graphical display in response to the change of the standard.

For at least the foregoing reasons, independent claim 34 and claim 35 depending therefrom are novel and patentable over Schemmel et al.

Applicants respectfully submit that independent claim 39 as amended is novel and patentable over Schemmel et al. because, for instance, Schemmel et al. does not teach or suggest that the two-dimensional defect candidate distribution displayed on the first screen changes by changing the standard.

As discussed above, Schemmel et al. merely discloses four phases including the fourth phase of displaying the results, and is devoid of any teaching or suggestion for changing the two-dimensional defect candidate distribution displayed on the first screen by changing the standard.

For at least the foregoing reasons, independent claim 39 and claims 40-46, 48, 49, and 51-53 depending therefrom are novel and patentable over Schemmel et al.

Claims 34 and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Noguchi et al. (6,411,377).

Applicants respectfully submit that independent claim 34 is novel and patentable over Noguchi et al. because, for instance, Noguchi et al. does not teach or suggest changing the first standard to a second standard on the display of a relation between defect density and threshold in which the first standard is indicated, and changing the graphical display in response to the change to the second standard.

Noguchi et al. discloses displaying results of inspection obtained in one of three modes (col. 46, lines 31-38). Nothing in Noguchi et al. teaches or suggests changing the first standard to a second standard on the display of a relation between defect density and threshold in which the first standard is indicated, and changing the graphical display in response to the change to the second standard.

For at least the foregoing reasons, independent claim 34 and claim 36 depending therefrom are novel and patentable over Noguchi et al.

New claims 70 and 71 depend from claim 34, and new claims 72-74 depend from claim 39, and recite additional features that are not taught or suggested in the references. For example, claim 70 recites that the graphical display which is changed in response to the change to the second standard is used to judge an effect of the change to the second standard. Claim 71 recites that the graphical display which is changed in response to the change to the second standard is used to judge whether the change to the second standard is proper. Claim 73 recites that the two-dimensional defect candidate distribution displayed on the first screen which is changed in response to the change of the standard is used to judge an effect of the change of the standard. Claim 74 recites that the two-dimensional defect candidate distribution displayed on the first screen which is changed in response to the change of the standard is used to judge whether the change of the standard is proper. These features are completely absent from the references.

Therefore, new claims 70-74 are novel and patentable over the cited references for the additional features recited therein as well as by being dependent from allowable independent claims 34 and 39.

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PATENT

Amdt. dated January 6, 2004

Reply to Office Action of June 25, 2003 and the Notice of  
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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